

UNITED STATES DISTRICT COURT

For the

Western District of Missouri

Springfield Division

DAVID STEBBINS,)
Plaintiff)
)
V.) Civil Action No. 10-3305-C V-S-RED
)
RELIABLE HEAT & AIR, L.L.C,)
And)
)
RANDALL RICHARDSON,)
Defendants.)

ANSWER TO A COMPLAINT

COME NOW, Defendants, Reliable Heat & Air, L.L.C. and Randall Richardson, and for their answer to Plaintiff's complaint allege and state as follows:

I. Parties to this Civil Action: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph I of the Complaint and on that basis deny all such allegations.

II. Statement of Claim: Defendants specifically deny the allegations contained in paragraph II of the Complaint and further state that:

(1) the complaint fails to allege facts sufficient to state a claim upon which relief can be granted,

(2) the complaint fails to allege Plaintiff is a "qualified person" or that Plaintiff has a specific "disability" as would give this Plaintiff standing to bring this action.

First Affirmative Defense

(Failure To State A Claim)

The purported cause of action set forth in the complaint fails to allege facts sufficient to state a claim upon which relief can be granted.

Second Affirmative Defense

Plaintiff is not a “qualified person” as defined under the Act so as to give Plaintiff a cause of action there under.

Third Affirmative Defense

Plaintiff was and is not a person with a “disability” such as would give Plaintiff a cause of action under the Act.

Fourth Affirmative Defense

Plaintiff never informed Defendants or advised Defendants that Plaintiff was a “disabled person” nor did he inform Defendants of the nature of his disability.

Fifth Affirmative Defense

Defendants provided “reasonable accommodation” to Plaintiff.

Sixth Affirmative Defense

Defendants have not completed their investigation and discovery regarding the allegations and claims asserted by Plaintiff. Accordingly, Defendants reserve the right to assert such additional affirmative defenses as necessary based on such ongoing investigation and discovery.

III. Relief: Defendants specifically deny the allegations contained in paragraph III of the Complaint.

IV. Continuing Wrongs: Defendants admit the allegations contained in paragraph IV of the Complaint.

V. Do You Claim Actual or Punitive Damages: Defendants specifically deny the allegations contained in paragraph V of the Complaint.

VI. Counsel: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph VI of the complaint and on that basis deny all such allegations.

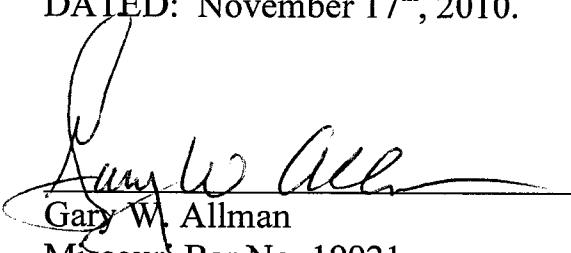
VII. Administrative Procedures: Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph VII of the complaint and on that basis deny all such allegations.

VIII: For further answer Defendants state that Plaintiff's complaint is not a "verified" petition, sworn to by Plaintiff and should therefore be dismissed.

WHEREFORE, Defendants pray for judgment against Plaintiff as follows:

- i) Denying Plaintiff any relief against Defendants whether declaratory, injunctive, monetary or otherwise;
- ii) That the Complaint be dismissed with prejudice.
- iii) For costs of suit incurred herein, including reasonable attorney's fees; and
- iii) That Defendants have such other and further relief as the Court deems proper.

DATED: November 17th, 2010.



Gary W. Allman

Missouri Bar No. 19921
P.O. Box 5049
Branson, Missouri 65615
Phone: (417) 332-2800
Fax No: (417) 332-1008
Email: garywallman@gmail.com
ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

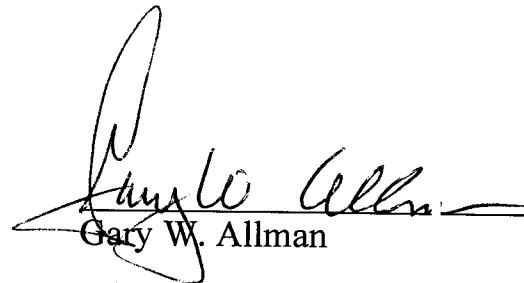
The undersigned hereby certifies that a true and correct copy of the above Defendants' Answer to Plaintiff's Complaint was served upon:

David A. Stebbins- pro se
1407 N. Spring Road, APT #5

Harrison, AR 72601

- by delivering a copy to him;
- by leaving a copy at his office with his clerk;
- by leaving a copy at his office with an attorney associated with him;
- by mailing a copy to him, as prescribed by law;
- by transmitting a copy to him by facsimile transmission at;
- by electronic transmission in Word format.

on the 17th day of November 2010.



Gary W. Allman

Missouri Bar No. 19921
P.O. Box 5049
Branson, Missouri 65615
Phone: (417) 332-2800
Fax No: (417) 332-1008
Email: garywallman@g nail.com
ATTORNEY FOR DEFENDANTS